

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA, *
Plaintiff, *
*
v. * CRIMINAL NO. 22-375 (FAB)
*
WILFREDO SOLINO TATIS, *
Defendant. *
*

SENTENCING MEMORANDUM

TO THE HONORABLE FRANCISCO A. BESOSA,
JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO.

WIFREDO SOLINO TATIS seeks a downward departure or variance of his term of imprisonment to the 12 months agreed upon by the parties in his plea agreement as sufficient but not greater than necessary to punish his offense.

Wilfredo Solino Tatis found himself alone and in a dire financial situation when he was deported to his country of origin after his 2021 conviction. The presentence report confirms that Mr. Solino's entire family lives in the United States. All of his ties, all the people he loves, all the people that need him live in this country. (Amended PSR, doc. 22, pages.10-12, ¶¶ 51-59.)

The presentence report reflects the worry and pressure felt by Wilfredo at the situation his family was going through at home. His young daughter would cry

about his absence, his wife was struggling to make ends meet and his college-age children had to drop-out of college to go to work. Finally, his mother was diagnosed with cancer. All this, while he was away. In a moment of desperation Wilfredo decided to risk his life and try to reunite with his family.

Although the court might think that his story is no different than others, all that happened framed by the lack of work in a country heavily hit by the Covid-19 pandemic. For example, post-pandemic the World Bank reports the average per capita income in the Dominican Republic to be US\$8,603.00 per year for the year 2021, resulting in a significant increase from the year 2020 but the sustained average since 2016.¹ The average is not the true income for non-professional or unskilled workers like Wilfredo. His income mid-pandemic in the Dominican Republic was less than \$300 per month, that is, \$3,600 per year. (Amended PSR, doc. 22, page 13, ¶ 74.) This income was barely enough for Wilfredo to support himself, definitely not enough for him to be able to assist his family in the United States.

Wilfredo is an excellent father, husband, brother and son. (Amended PSR, doc. 22, pages.10-12, ¶¶ 51-59.) It is significant that his latest mistake is the result of his desperation at not being able to provide for his family. His knowing that his children's "American Dream" was becoming less likely by his inability to provide

¹ The per capita income reported by the World Bank Organization may be significantly over estimated as reflected by the per capita income reported for the United States of \$69,287.50.

for them. The pain of knowing that his older children had to drop out of school to help provide for the family was overwhelming, as noted by the Amended PSR, page 17, ¶¶ 102-103.

After his arrest, Wilfredo immediately sought to amend his mistake and plead guilty for the offense pending before this court. Taking that step was the beginning of a new life. The government recognized Wilfredo's efforts to make amends for his actions and agreed to recommend to the court a sentence of 12 months. This is not the only term of incarceration that Wilfredo risks. The court should also consider that Wilfredo will be facing revocation proceedings for violation of his supervised release, which will add time to the sentence to be imposed by the court.

Considering the mitigation presented, as verified by the probation officer's report, and the possibility that Wilfredo will face more time on revocation, the 12 months recommended by the parties are sufficient but not greater than necessary to punish him and deter him from committing further crimes.

Furthermore, following the parties' plea agreement will allow for Wilfredo to begin again in the Dominican Republic and to join the workforce and begin to take steps to provide for his family.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 24th day of January, 2023.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this MOTION was filed through the CM/ECF system and served on all designated parties.

In San Juan, Puerto Rico this 24th day of January, 2023.

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